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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,981	11/13/2003	Geoffrey S. Mendelson	1264-US	6763
24505	7590	11/21/2006	EXAMINER	
DANIEL J SWIRSKY 55 REUVEN ST. BEIT SHEMESH, 99544 ISRAEL			BROWN, MICHAEL J	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,981

Applicant(s)

MENDELSON ET AL.

Examiner

Michael J. Brown

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kung et al.(US Patent 6,574,739).

As to claim 1, Kung discloses a method comprising adjusting the clock speed of a central processing unit (CPU)(CPU 10, see Fig. 1) as a function of the output of a performance monitor(CPU activity monitoring circuit 50, see Fig. 1) forming part of an operating system(BIOS 38, see Fig. 1) controlling the CPU.

As to claim 2, Kung discloses the method wherein the output comprises a measure of CPU utilization(see column 2, lines 47-51).

As to claim 3, Kung discloses the method wherein the adjusting comprises lowering the clock speed by a predefined amount when the CPU utilization goes below a given utilization percentage, down to a minimum CPU speed(see column 2, lines 54-57 and column 3, lines 25-38).

As to claim 4, Kung discloses the method wherein the adjusting comprises raising the clock speed by a predefined amount when the CPU utilization goes above a given utilization percentage, up to a maximum CPU speed(see column 2, lines 54-57 and column 3, lines 25-38).

As to claim 5, Kung discloses the method wherein the CPU is powered by a battery(power regulator 18, see Fig. 1).

As to claim 6, Kung discloses the method wherein the CPU forms part of a movable computing unit(computer system, see Fig. 1; and column 2, lines 37-38).

As to claim 7, Kung discloses the method wherein the CPU is powered by a non-battery power source(power regulator 18, see Fig. 1).

As to claim 8, Kung discloses the method wherein the CPU forms part of a household appliance(computer system, see Fig. 1; and column 2, lines 37-38).

As to claim 9, Kung discloses the power saving device comprising a CPU(CPU 10, see Fig. 1), a clock(clock 16, see Fig. 1) to provide timing indications to the CPU, a performance monitor(CPU activity monitoring circuit 50, see Fig. 1) forming part of an operating system controlling the CPU to generate measurements of the CPU's performance, and a rate setter(CPU activity adjusting program 40, see Fig. 1) to change the speed of the clock as a function of at least some of the output of the performance monitor.

As to claim 10, Kung discloses the device wherein the output comprises a measure of CPU utilization(see column 2, lines 47-51).

As to claim 11, Kung discloses the device wherein the rate setter lowers the clock speed by a predefined amount when the CPU utilization goes below a given utilization percentage, down to a minimum CPU speed(see column 2, lines 54-57 and column 3, lines 25-38).

As to claim 12, Kung discloses the device wherein the rate setter raises the clock speed by a predefined amount when the CPU utilization goes above a given utilization percentage, up to a maximum CPU speed(see column 2, lines 54-57 and column 3, lines 25-38).

As to claim 13, Kung discloses the device also comprising a battery(power regulator 18, see Fig. 1) to power the CPU.

As to claim 14, Kung discloses the device wherein the device is a movable computing device(computer system, see Fig. 1; and column 2, lines 37-38).

As to claim 15, Kung discloses the device also comprising a plug to connect to a non-battery power source(power regulator 18, see Fig. 1).

As to claim 16, Kung discloses the device wherein the device is a household appliance(computer system, see Fig. 1; and column 2, lines 37-38).

Response to Arguments

2. Applicant's arguments filed 9/19/2006 have been fully considered but they are not persuasive. Applicant argues that Kung et al.'s monitor is not part of the operating system and that it is a hardware device electrically connected to the CPU. Thus meaning that it cannot be part of the operating system of the CPU. Examiner disagrees as Kung discloses that the method used to set the power saving modes of a computer involves accessing a power management program. This program may be accessed through a BIOS(Basic Input Output System) setup program, or through the operating system(see column 1, lines 32-36). Therefore, though the CPU activity monitoring

circuit 50(Fig. 1) is electronically connected to the CPU, it communicates with the operating system that is controlling the CPU.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

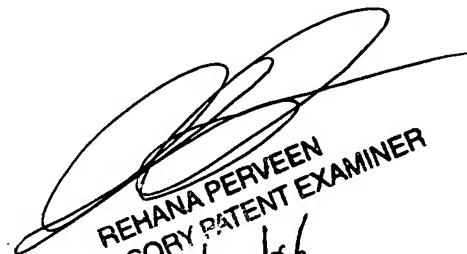
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Brown whose telephone number is (571)272-5932. The examiner can normally be reached on Monday-Thursday from 7:00am to 5:30pm(EST).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIRS) system. Status information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications are available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).

Michael J. Brown
Art Unit 2116


REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
11/23/06